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Reply to Office Action dated 13 December 2005

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Official Action dated 13 December 2005. Responsive to the rejections made in the Official Action, Claims 1 and 5 have been amended to clarify the combination of elements which form the invention of the subject Patent Application and Claim 2 has been amended to correct informalities therein. Additionally, Claims 3, 4, 6 and 7 have been canceled by this Amendment.

In the Official Action, the Examiner rejected Claims 1 and 7 under 35 U.S.C. § 112, second paragraph. The Examiner indicated that the orientation of the magnets in Claim 1 was unclear and the phrase "at the best" was indefinite.

Claim 1 has been amended to clarify the description of the poles of the magnetic articles and several other recitations made in the claim. Claim 7 has been canceled by this Amendment. Therefore, it is now believed that the Claims particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

In the Official Action, the Examiner rejected Claims 1-4, 6 and 7 under 35 U.S.C. § 103(a), as being unpatentable over Fuchs, U.S. Patent 3,953,090, in view of Lin, U.S. Patent 6,098,794. Claim 5 was rejected under 35 U.S.C. § 103(a), as being unpatentable over Fuchs in view of Lin, and further in view of Shapira, U.S. Patent 3,425,595.

Before discussing the prior art relied upon by the Examiner, it is believed

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beneficial to first briefly review the structure of the invention of the subject Patent Application, as now claimed. As now defined in Claim 1, the invention of the subject Patent Application is directed to a memo block base and container with magnetic suspension. The structure includes a memo block base being provided for holding a memo block. The memo block base is provided for at least one first magnetic article disposed on a bottom of the memo block base. The memo block base has a plurality of protrusions extending from opposing sides thereof. The structure further includes a container being provided for holding the memo block base therein. The container has a pair of upstanding sidewalls extending from a bottom wall and being joined by a rear wall. The container has an open frontal area extending between the pair of side walls. The side walls have a plurality of sliding grooves formed therein and extending between respective top and bottom portions thereof for respectively receiving the plurality of protrusions of the memo block base therein to guide movement of the memo block base within the container. The container is provided with at least one second magnetic article on an inner surface of the bottom wall. The second magnetic article has an upwardly facing pole being the same as a downwardly facing pole of the first magnetic article to provide a repulsive force therebetween.

With respect to Claim 5, the invention of the subject Patent Application is directed to a memo block base and container with magnetic suspension device. The structure includes a memo block base that is provided for holding a memo

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block. The memo block base is provided with at least one first magnetic article disposed on a bottom of a memo block base. The structure includes a container having a cavity formed therein for holding the memo block base therein. The cavity is defined between a pair of upstanding sidewalls extending from a bottom wall and a front wall joining the pair of sidewalls. The front wall has a pair of positioning blocks directed into the cavity and extending upwardly from adjacent the bottom wall. The cavity is open to a rear area of the container extending between the pair of sidewalls. The container has a positioning flange extending along a top of the pair of sidewalls and the rear area for restricting an upward extent of the memo block base within the cavity. The positioning flange has a pair of through holes formed therein in open communication with the cavity. The container is provided with at least one second magnetic article on an inner surface of the bottom wall. The second magnetic article has an upwardly facing pole being the same as a downwardly facing pole of the first magnetic article to provide a repulsive force therebetween. Further, the structure includes a positioning article having a central member and a pair of feet respectively extending from opposing ends of the central member. The pair of feet respectively pass through the through holes of the positioning flange to penetrate into the cavity and thereby retain the memo block base in the cavity and together with the pair of positioning blocks provide a guide for the memo block base.

In contradistinction, the Fuchs reference is directed to a memorandum sheet

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dispenser having a rectangular box shape provided with a front wall 2, sidewalls 3 and 4, and a rear wall 5. The cavity formed by that structure is closed at the bottom by a lid 6. The memorandum stack is positioned on a cap 9 which is disposed within the cavity of the rectangular container. The cap 9 is biased upwardly from the lid by a spring 8. The rear upper corners of the housing are provided with closing pieces 11 and 12 for retaining the stack of memorandum sheets and limiting the upward extent of the cap 9. A pair of guiding means 13 and 14 are provided below the triangular shaped closing pieces 11 and 12 and extend downwardly into respective recesses 16 and 17 formed in the memorandum sheets and when the number of sheets is reduced, can extend into grooves 18 and 19 formed in the cap 9.

Nowhere does the reference disclose or suggest a container having an open frontal area extending between the pair of sidewalls, as now claimed. Still further, the reference fails to disclose or suggest a structure wherein the memo block base includes a plurality of protrusions and the sidewalls of the container have a plurality of sliding grooves formed therein and extending between respective top and bottom portions thereof for respectively receiving the plurality of protrusions of the memo block base therein to guide movement of the memo block base within the container, as now claimed. Still further, the reference neither discloses nor suggests the use of magnetic articles for biasing the cap 9 relative to the lid 6.

In the Invention of the subject Patent Application, the container shown in

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Figs. 3 and 4, and corresponding to the structure of Claim 1, provides a guide for movement of the memo block base utilizing protrusions 12, extending from the memo block base, which are received within the sliding grooves 221 formed in the sidewalls of the container and extend between respective top and bottom portions thereof. By that arrangement, guidance is provided for movement of the memo block base throughout its movement within the container, which is particularly important since there is no mechanical coupling between the memo block base and the container, as there is when a spring extends between those two elements. As the invention of the subject Patent Application is devoid of a spring for biasing the memo block base, the open front provides an aesthetically pleasing appearance, and allows the user full access to the memo block base for installing a memo block and removal of the memo sheets from the structure.

Still further, with respect to Claim 5, the reference fails to disclose or suggest a container with the front wall having a pair of positioning blocks directed into the cavity and extending upwardly from adjacent the bottom wall, as now claimed. Further, the reference fails to disclose the container having a positioning flange extending along a top of the pair of sidewalls and the rear area for restricting an upward extent of the memo block base, the positioning flange having a pair of through holes formed therein in open communication with the cavity, as now claimed. Still further, the reference fails to disclose or suggest a positioning article having a central member and a pair of feet respectively extending from

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opposing ends of the central member, the pair of feet respectively passing through the through holes of the positioning flange to penetrate into the cavity and thereby retain the memo block base in the cavity and together with the pair of positioning blocks provide a guide for the memo block base, as now claimed, and clearly shown in Fig. 6 of the subject Patent Application.

The Lin reference does not overcome the deficiencies of Fuchs. The Lin reference is directed to a container having an ornament. And while the ornament is biased by the repulsion effect of magnetic elements, such is completely enclosed within a cylindrical cavity, having no open frontal area extending between the pair of sidewalls, and there is no disclosure or suggestion of a memo block base having a plurality of protrusions extending from opposing sides thereof, nor a plurality of sliding grooves formed therein and extending between respective top and bottom portions thereof for respectively receiving the plurality of protrusions of the memo block base therein to guide movement of the memo block base within the container, as now claimed.

Additionally, the Lin reference fails to disclose or suggest a container where the front wall has a pair of positioning blocks directed into the cavity and extending upwardly from adjacent the bottom wall, the cavity being open to the rear area of the container extending between the sidewalls, and still further a container having a positioning flange extending along a top of the pair of sidewalls and the rear area for restricting an upward extent of the memo block base, the

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positioning flange having a pair of through holes formed therein in open communication with the cavity, as now claimed. Further, the reference neither discloses nor suggests a positioning article having a central member and a pair of feet respectively extending from opposing ends of the central member, the pair of feet respectively passing through the through holes of the positioning flange to penetrate into the cavity and thereby retain the memo block base in the cavity and together with the pair of positioning blocks provide a guide for the memo block base, as now claimed.

As neither Fuchs nor Lin disclose or suggest the combination of elements which form the invention of the subject Patent Application, their combination cannot make obvious the invention of the subject Patent Application, as now claimed.

The Shapira reference does not overcome the deficiencies of Fuchs combined with Lin. The Shapira reference like Fuchs, discloses a spring biased member 16 that supports a stack of paper napkins within a container having a bottom wall 1, a top wall 2, a front wall 4, a rear wall 5 and a pair of sidewalls 6. The rear wall 5 is hinged to the sidewalls to allow access to the member 16 for loading napkins thereon.

Nowhere does the reference disclose or suggest the member 16 having a plurality of protrusions extending from opposing sides thereof, as now claimed. Still further, the reference fails to disclose or suggest the container having an open

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frontal area extending between the pair of sidewalls, the sidewalls having a plurality of sliding grooves formed therein and extending between respective top and bottom portions thereof for respectively receiving the plurality of protrusions of the memo block base therein to guide movement of the memo block base within the container, as now claimed. Still further, nowhere does the reference disclose or suggest a container wherein the front wall has a pair of positioning blocks directed into the cavity and extending upwardly from adjacent the bottom wall, the cavity being opened to the rear area of the container extending between the pair of sidewalls, the container having a positioning flange extending along a top of the pair of sidewalls and the rear area for restricting an upward extent of the memo block base, the positioning flange having a pair of through holes formed therein in open communication with the cavity, as now claimed. Still further, the reference neither discloses nor suggest a positioning article having a central member and a pair of feet respectively extending from opposing ends of the central member, the pair of feet respectively passing through the through holes of the positioning flange to penetrate into the cavity and thereby retain the memo block base in the cavity and together with the pair of positioning blocks provide a guide for the memo block base, as now claimed.

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Thus, as neither Fuchs, Lin nor Shapira disclose or suggest the combination of elements which form the invention of the subject Patent Application, their combination cannot make obvious that invention. For all of the foregoing reasons, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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